



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Ryan Ramsey, Planner, Development Review,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Faith McClintic, Assistant Director, Economic
Development Department
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Steven E. Simonson, Sr., Civil Engineer,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Craig S. Bryant, Director,
Utilities Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration
Dr. William R. Nelson, Director,
Health Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Discussion Relative to Proposed Upper Swift Creek Plan Amendment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the October 18, November 15 and December 15, 2005, Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of the Northern Courthouse Road Plan Amendment and noted staff was requesting the Board of Supervisors to set a public hearing on October 12, 2005, to consider an Amendment to the County's Comprehensive Plan, The Plan for Chesterfield regarding affordable housing.

The Commission agreed to a schedule the Northern Courthouse Road Plan Amendment for discussion at the October 18, 2005, Work Session and asked that staff not conduct any citizens meetings until after the October 18th meeting to allow the Commission an opportunity to review the draft.

E. WORK PROGRAM.

There were no changes to the Commission's Work Program, and, therefore, it was the consensus of the Commission to adopt their October 2005 Work Program, as presented by Mr. Turner.

F. DISCUSSION RELATIVE TO PROPOSED UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Bowling presented an overview of the proposed Upper Swift Creek Plan, including Plan goals and a summary of key findings and recommendations relative to balanced, orderly growth; economic development; residential development potential; unzoned land recommended for residential development; deferred growth; water quality; transportation; forested views; and mandatory utilities extension.

Discussion ensued relative to land use, transportation, water quality, utility extensions, air quality, and other issues.

The Commission agreed that staff would provide an update on the Plan at the October 18, 2005, Work Session. In addition, the Commission agreed to schedule discussion of the proposed Plan Amendment for the November 15, 2005, Work Session and asked that staff not schedule any citizens' meetings until after the Commission's November 15th meeting.

In response to a question from staff, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission reordered Case 04SN0303, Fairweather Investments, LLC and Highlands West, LLC as the last case on the 7:00 p. m. Discussion Agenda.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

G. ADJOURNMENT.

There being no further business to come before the Commission, the Work Session adjourned at approximately 2:25 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the August 16, 2005, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to approve the August 16, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **WITHDRAWAL REQUEST - DEVELOPMENT STANDARDS WAIVER.**

06PW0110: In Clover Hill Magisterial District, **RICHMOND GOODWILL INDUSTRIES** withdrew the request for Planning Commission approval of a development standards waiver to the requirement that loading areas are to be screened. This project is commonly known as **GOODWILL INDUSTRIES MIDLOTHIAN CROSSING**. This request lies in a General Business (C-5) District on a 9.85 acre parcel fronting approximately 650 feet on the south line of Midlothian Turnpike lying approximately 160 feet east of Wadsworth Drive. Tax ID 757-704-3194 (Sheet 7).

No one came forward to represent the request.

Staff stated the applicant had submitted written documentation indicating he wished to withdraw the request.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 06PW0110, Richmond Goodwill Industries (Goodwill Industries Midlothian Crossing).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUEST BY APPLICANT - TENTATIVE SUBDIVISION PLAT.**

05TS0196: In Midlothian Magisterial District, **DARREL NEILSON** requested deferral to October 18, 2005, for consideration of approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 (Sheet 2).

No one came forward to represent the request.

Staff stated the applicant had submitted written documentation indicating he wished deferral to the October 18, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05TS0196, Darrel Neilson (The Battery at Old Gun), to the October 18, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER-DEVELOPMENT STANDARDS WAIVER.**

05PW0392: In Matoaca Magisterial District, **FREDERICK AND MARIANNE YAKELEWICZ** requested development standards waivers to paving and curb and gutter. Specifically, the applicants request to use a gravel surface for the access driveway and off-street parking area serving their mobile repair business. This project is commonly known as **ROAD SERVICE EXPRESS**. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 500 feet on the north line of Lakeview Road, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

No one came forward to represent the request.

Mr. Bass stated he wished to defer Case 05PW0392 to the October 18, 2005, Planning Commission meeting to allow the Board of Supervisors to make a decision at their September 21, 2005, meeting on the applicants' pending zoning case for the use (Case 05SR0115).

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Bass' request.

In response to a question from Mr. Gecker, staff indicated the Board's action on the applicants' pending zoning case at their September 21st meeting would have no impact on the applicants' ability to obtain site plan approval.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05PW0392, Frederick and Marianne Yakelewicz (Road Service Express), to the October 18, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PR0339:* In Bermuda Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested Planning Commission approval of a site plan, as required by Condition 4 of Case 97PR0246 for five (5) soccer fields and associated parking, drive and facilities. This project is commonly known as **LOWES SOCCER COMPLEX PHASE I AND II**. This request lies in Residential (R-9) and Community Business (C-3) Districts on a 52.2 acre parcel and a 9.9 acre parcel lying approximately 625 feet off the west line of Jefferson Davis Highway and a 16.4 acre parcel fronting the west line of Jefferson Davis Highway at Weir Place. Tax IDs 797-651-8448 and 798-652-Part of 2856 and Part of 4613 (Sheet 26).

Mr. Mike Golden, representing the request, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved that approval of a site plan, as required by Condition 4 of site plan Case 97PR0246 for Case 05PR0339, Chesterfield County Parks and Recreation (Lowes Soccer Complex Phases I and II), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. Show the existing manhole number from the as-built, not the 10-digit number. (U)
2. Show a bearing on each run of sewer and coordinates on the manholes. (U)
3. Renumber the manholes on the profile. The first upstream manhole from the tie-in to be #1. (U)
4. At proposed manhole 31, show a drop of 0.7 feet across the manhole to match the slope. Adjust the out fall invert accordingly. (U)
5. The slope from manhole 31 to existing will still be over twenty (20) percent, so show a SEW-5 concrete anchor midway on the run. (U)
6. At the existing manhole, draw the bottom of the manhole at the right elevation. Show the tie-in elevation. (U)
7. Shift the run from manhole #1 to #2 parallel to the waterline. (U)

8. Shift the waterline to ten (10) feet south of the sewer as previously requested, making the fire hydrant lateral in-line with an 8:6 reducer and six (6) inch valve. (U)
9. Show the waterline as eight (8) inch on the profile. Adjust the profile to show a slight rise on the pipe from about station 14+50 to the fire hydrant. Provide cut sheets for this portion of the waterline. This will remove the need for an air release valve. (U)
10. The domestic meter comes to 1.5 inch according to the fixtures on the meter sizing form. (U)
11. Turn in meter sizing forms separate from the plan. (U)
12. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the Land Disturbance Permit. (EE)
13. Specify the conversion of existing Inlet #2 to a curb inlet as shown on the plans within the Structure Schedule. (EE)
14. Provide contours for the new drainage area map on Sheet 10. (EE)
15. Clarify on the plans what area of curbing will remain/be removed if the Planning Commission grants a Development Standards Waiver. At a minimum the access road and downstream side of the parking should have curb and gutter. (EE)
16. A data map must be submitted which outlines all drainage areas, impervious areas (existing and proposed), RPA and RMA limits, etc. Which were utilized in determining compliance with the Chesapeake Bay Preservation Ordinance. (EE)
17. The details shown for the pathways/bridges do not appear to apply to this project to include notes referencing boardwalks, wetlands impact, etc. Please meet with Parks and Recreation and confirm the exact design for the emergency spillway bridge design as a large portion of the details supplied on the plans do not match the proposed gravel dust trail. (EE)
18. Number the detail sheets as part of the plan packet. (EE)
19. Prior to issuance of a Land Disturbance Permit, a diskette/CD, the format of which shall be Autocad.dwg or .dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - A. Final grading contour lines (five (5) foot intervals);
 - B. Proposed building footprint;

- C. All impervious area (parking lots, driveways, roads, etc); and
- D. The storm sewer system.

A layer report printed from AutoCAD must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AutoCAD files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

- 20. A Land Disturbance Permit is required for this project and the following are required prior to its issuance:
 - A. Substantial or full site plan approval
 - B. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department of Conservation and Recreation) must be submitted (sites of one acre or more) (EE)
- 21. Contact Jeff Howard, Environmental Program Manager, of the Chesterfield Office of Environmental Management, for the purpose of coordinating the application to DCR for the VSMP Stormwater Permit and the development of the Stormwater Pollution Prevention Plan that is required as part of that permit. (EE)
- 22. VDOT Notes 38 & 39 are site notes and not VDOT notes. Revise the location of the notes on the Cover Sheet to Site Summary and Notes. (P)
- 23. As a reminder, a landscape plan is required. Provide a landscape plan that provides the required landscape. (P)
- 24. Per previous Comment 9, add the Chesterfield County site plan number to all sheets including the detail sheets. (P)
- 25. Per previous Comment 24, provide the parking interior landscape calculations on the site plan. (P)
- 26. Provide architectural elevations for all buildings in the Phase 2. Elevations must be reviewed and approved prior to release of building permit. (P)
- 27. As a reminder, provide a method of watering new plants or provide three (3) years of maintenance. (P)
- 28. Provide an edging for the perimeter of the parking area. There are several islands and the west end of parking that require an edging such as concrete curb. Deleting of this edging requires an approved development standard waiver. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05TS0396: In Midlothian Magisterial District, **2421 W.D., LLC** requested tentative subdivision plat approval. This development is commonly known as **WALKERS FOREST**. This request lies in a Residential (R-15) District on a 4.08 acre parcel fronting approximately 280 feet on the west line of Buford Road, approximately 260 feet south of Brown Summit Road. Tax ID 756-712-8658 (Sheet 7).

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Lamson presented an overview of the request and staff's recommendation, noting the addition of two (2) conditions outlined in the Addendum.

There was discussion relative to the use of flag lots; approval of the request setting a precedent for other similar future requests; staff's alternate lot configuration being a broad interpretation of the use; and other concerns.

In response to questions from the Commission, Mr. Pritchard stated the purpose of infill development goals was to minimize impacts on surrounding areas, noting the subject request, as proposed, was an attempt to minimize, not maximize, lot yield.

Mr. Litton opened the discussion for public comment.

Messrs. Bill Queen and Gordon Alling, residents of Brown Summit Road and Mr. Dale Williams, a resident of Buford Road, opposed the request, citing concerns relative to impacts to existing wetlands and streams; impacts of drainage on properties adjacent to, and downstream of, the proposed subdivision; destruction of wildlife habitat; impacts on existing traffic congestion on Buford Road; impacts on property values; and maintenance of private roads.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Ms. Coyner acknowledged the proposed infill development would have some impact on the existing neighborhoods; however, she stated she believed the proposed layout to develop this property as a three lot subdivision (consisting of one (1) existing and two (2) new homes on four (4) acres) complied with the County Code; would have little, if any, impact on drainage concerns; and would preserve a majority of the existing natural features of the property, thereby minimizing adverse effects on the adjacent residential neighborhoods. She further stated the recommended conditions addressed the issues of erosion (Condition 1); access to Buford Road by limiting access to existing driveways (Condition 2); and dedication of additional right of way on Buford Road.

In response to questions from the Commission, Messrs. Lamson and Newcomb, respectively, addressed concerns relative to construction plans, access to Buford Road by limiting access to existing driveways and dedication of additional right of way along Buford Road.

Mr. Gecker stated there had been several neighborhood meetings, at which the proposed request was discussed at length. He stated he did not agree that the proposed layout to develop the property as a three (3) lot subdivision complied with the County Code; would have little, if any, impact on drainage concerns; would preserve a majority of the existing natural features of the property; or minimize adverse effects on the adjacent residential neighborhoods. He stated, given these facts as well as there being no basis of fact

to determine if a road could or could not be constructed to limit access to Buford Road, he did not feel approval of the request was appropriate.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to deny the request for tentative subdivision plat approval for Case 05TS0396, 2421 W. D., LLC (Walker's Forest).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Topeka's Steakhouse 'N Saloon at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:41 p. m., agreeing to meet at Topeka's Steakhouse 'N Saloon at 5:00 p. m. for dinner.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Bass led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next two (2) months. He stated that the October 18, 2005, agenda was comprised of eighteen (18) cases; the November 15, 2005, agenda was comprised of fifteen (15) cases; and the December 15, 2005, agenda was comprised of nine (9) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **WITHDRAWAL REQUEST-CONDITIONAL USE.**

05SN0290:* In Bermuda Magisterial District, **BROADWATER ASSOCIATES, L.P.** withdrew Conditional Use Planned Development and amendment of zoning district map to permit office use in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use center. This request lies on 9.1 acres fronting on the east line of Harrowgate Road at Broadwater Road and located within the Broadwater Townhomes Development. Tax ID 795-638-1293 (Sheet 34).

No one came forward to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 05SN0290.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUEST BY APPLICANT-CONDITIONAL USE.**

05SN0334: In Midlothian Magisterial District, **ROBIOUS INVESTMENTS LLC** requested deferral to October 18, 2005, for consideration of amendment to Conditional Use Planned Development (Case 02SN0131) and amendment of zoning district map relative to garage door orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request lies in a Residential (R-25) District on 381 acres lying approximately 1,950 feet off the north line of Robious Road approximately 820 feet west of Ellesmere Drive. Tax ID 734-724-5830 (Sheet 2).

Mr. William Shewmake, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing to allow the applicant an opportunity to meet with adjacent property owners to discuss their concerns.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0334 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0315: In Clover Hill Magisterial District, **WATERCROSS DEVELOPMENT, INC.** requested amendment to Conditional Use Planned Development (Case 86S117) and amendment of zoning district map to permit a veterinarian hospital. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Neighborhood Business (C-2) District on 7.8 acres fronting approximately 280 feet on the west line of Charter Colony Parkway at Old Hundred Road. Tax ID 727-691-6781 (Sheet 9).

No one was present to represent the request.

After a brief discussion, it was the consensus of the Commission to place Case 05SN0315 at the end of the Consent agenda to allow the applicant, and or the applicant's representative, to arrive at the meeting.

05SN0320: In Midlothian Magisterial District, **GRAY LAND AND DEVELOPMENT CO., LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling or less per acre. This request lies on 108 acres lying approximately 720 feet west of the terminus of Latham Boulevard and North Otterdale Road, also fronting approximately 3,780 feet on the east line of Route 288. Tax ID 715-715-Part of 9587 (Sheet 1).

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation, including the Addendum.

A citizen asked to review the proposed plan to ensure there had been no changes and upon conclusion of his review, stated he was satisfied and the plan was acceptable.

Ms. Pattie Carpenter, President of the Rosemont Neighborhood Association, supported the request, noting residents felt their concerns had been adequately addressed/resolved; were trusting that the developer would preserve as many trees as possible; and looked forward to continuing to work with the developers.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0320 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 715-715-9587 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-25 and CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement last revised August 24, 2005, and the plan titled "Zoning Map, Rose Tract – East, prepared by Higgins & Gerstenmaier, dated September 16, 2005, shall be considered the master plan for the Property. The purpose of the Zoning Map is to generally designate those areas reserved for single family development as well as those areas to be recorded as open space. (P)
2. Density. The total number of dwelling units shall not exceed forty (40). (P)
3. House Sizes. Each dwelling unit shall have a minimum gross floor area of two thousand five hundred (2,500) square feet. (P)
4. Development Standards. All exposed portions of the foundation of each dwelling shall be covered with brick, stone, or eifs materials. (P)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. Utilities. Public water and wastewater shall be utilized, except that wells and/or bodies of water may be used for irrigation purposes only for open space and park areas. (U)
7. Dedication of Right-of-Way. In conjunction with the recordation of the initial subdivision plat, the following right-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - A. A seventy (70) foot wide right-of-way for a north/south collector ("North Otterdale Road Extended") from North Otterdale Road at the northern Property line to North Otterdale Road at the southern Property line. The exact location of the right-of-way shall be approved by the Transportation Department. (T)
8. Road Improvements. In conjunction with initial development on the Property, the Developer shall construct two (2) lanes of North Otterdale Road Extended to VDOT Urban Collector Standards (40 mph) with modifications approved by the Transportation Department, and construct a right turn lane along North Otterdale Road Extended at the

public road intersection. The Developer shall also dedicate to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for these improvements. (T)

9. Access. Direct access from the Property to North Otterdale Road Extended shall be limited to one (1) public road and two (2) private driveways. The exact location of the public road shall be approved by the Transportation Department. (T)
10. Cash Proffers.
 - a. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$11,500.00 per unit to the County of Chesterfield, prior to the issuance of building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005.
 - b. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. Should Chesterfield County impose impact fees or other substitute for proffers for schools, parks, roads, libraries, and/or fire stations at any time during the life of the development, the amount paid in cash proffers shall be in lieu of or credited toward any such substitute fees at the determination of the County. (BM)
11. Restrictive Covenants. Prior to or concurrent with the recordation of any subdivision plat for the Property, the following restrictive covenants shall be recorded for the Property:
 - A. All driveways on each individual subdivision lot shall be paved. The exact pavement type, which may include asphalt, concrete, aggregate materials, and/or brick, concrete, or stone pavers.
 - B. All dwellings that provide a garage shall employ side or rear entry garage designs except that front entry garage designs may be permitted provided that garage doors are at least twenty (20) feet behind the front facade of the house and that the garage doors are screened from the street through the positioning of the driveway, landscaping, and/or natural vegetation. (P)
 - C. With respect to lots adjacent to Section E of Rosemont, except for areas where an Open Space designation has been provided as shown on the Zoning Map, Rose Tract – East, prepared by Higgins & Gerstenmaier, dated September 16, 2005, a twenty-five (25) foot wide tree preservation area shall be maintained adjacent to Section E of Rosemont. All trees greater than six-inches in caliper (as measured 12-inches above ground surface) within the Tree Preservation Area are to be

retained. Any homeowner seeking to clear trees within this area must obtain prior approval from the Founders Bridge Property Owners Association's Architectural Design Committee which in turn shall notify the adjacent property owner(s) in Founders Bridge and the Rosemont Homeowners Association prior to approving any requested Owner activity. The Tree Preservation Area shall be subject and subordinate to the terms of any utility or drainage easements which may be granted by Declarant or its successors to the County of Chesterfield, Virginia. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0325: In Matoaca Magisterial District, **NEW HOPE LUTHERAN CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school and child care center in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 11.8 acres fronting approximately 630 feet on the south line of Hull Street Road approximately 920 feet east of Cosby Road. Tax IDs 718-670-5193 and 6470; and 718-671-5003 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

When asked, approximately twenty (20) individuals stood in support of the request.

No one came forward to speak in opposition to the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0325, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

In addition to uses permitted in an Agricultural (A) District, private school and child care center uses shall be permitted. (P)

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. Prior to the issuance of the building permit for this site, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre (not to exceed \$2,360.00 based upon the total acreage in the property) as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

4. Direct access from the property to Route 360 shall be limited to one (1) entrance/exit. At time of site plan review, the Transportation Department may modify this condition to permit one (1) additional entrance/exit to Route 360, provided that, but not limited to, an access easement(s), acceptable to the Transportation Department, is recorded from Route 360 across the property to provide shared use of these accesses with adjacent properties. The exact location of these accesses shall be approved by the Transportation Department. (T)
5. Prior to site plan approval one hundred (100) feet of right-of-way along the south side of Route 360, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of an additional lane pavement along the eastbound lanes of Route 360 for the entire property frontage.
 - B. Construction of additional pavement along the eastbound lanes of Route 360 at each approved access to provide a right turn lane, if warranted, based on Transportation Department standards.
 - C. Construction of addition pavement along the westbound lanes of Route 360 at the crossover that aligns Cosby Road to provide an adequate left turn lane. The exact length of this improvement shall be approved by the Transportation Department.
 - D. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 6, the developer may request, in costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
7. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6 shall be submitted to and approved by the Transportation Department. (T)
8. Except where the requirements of the underlying Agricultural District are more restrictive, any new development for school and child care uses shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas. (P)
9. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all active playfields, courts or similar active recreational facilities

which would accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from any adjacent properties zoned for residential purposes or zoned agricultural and shown on the plan as single family residential uses. Within this setback, landscaping shall be provided in accordance with Section 19-522(a)(4) of the Development Standards Manual. Any playground areas shall be located a minimum of forty (40) feet from all properties zoned for residential purposes or zoned agricultural and shown on the plan as single family residential uses. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0234:* In Matoaca Magisterial District, **THOMLYN, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

Mr. Harley Joseph, the applicant's representative, accepted staff's recommendation.

Mr. Jerry Jernigan, a Matoaca resident, voice opposition to the request and presented a petition containing approximately twenty (20) signatures of residents also in opposition to the proposal.

In response to Mr. Jernigan's comments, the Commission requested a staff presentation of the proposal.

Ms. Peterson presented an overview of the request and staff's recommendation for approval, noting the proposed zoning and land uses conformed to the Southern and Western Area Plan and that the proffered conditions adequately addressed the impacts of the development on necessary capital facilities, thereby ensuring that adequate service levels, as necessary to protect the health, safety and welfare of County citizens, would be maintained.

Mr. Joseph outlined the proposal, citing cash and/or concessions by the applicant to address the development's impact on capital facilities.

Mr. Litton opened the discussion for public comment.

Mr. Jerry Jernigan, a Matoaca resident, voice opposition to the request, citing concerns that the proposed zoning and land use did not conform to Southern and Western Area Plan with respect to lot size and density.

Mr. Billy Smith, a resident of Rollingside Drive, voiced opposition to the request, citing concerns relative to traffic; proposed lot sizes; density; reduced cash proffer amount for senior housing; and overall safety of area citizens.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Joseph reiterated cash and/or concessions by the applicant to address the development's impact on capital facilities; cited area development trends of adjacent and/or surrounding properties of

Residential (R-9) development; noted the compatibility of uses, buffers, open space and view sheds; and outlined proposed amenities and future road improvements designed to alleviate the traffic burden on Woodpecker Road. He asked the Commission forward a recommendation of approval indicating the applicant had done everything asked of him and had been responsible in complying with County guidelines and requirements.

Mr. Gulley expressed concerns relative to the provision of open space and questioned if density were based on gross or net acreage.

Messrs. Gecker and Gulley noted that a deferral was appropriate to provide time for the applicant to address a reduction in density; the provision of a collector road; and open space surrounding the property.

Mr. Bass noted that, even with the proposed changes, he was not in support of the proposed zoning as he believed the proposed zoning did not comply with the area Plan.

Mr. Gecker expressed concern relative to age-restricted units and the associated reduced cash proffer; the future turnover of such homes to families with school-age children; and the resulting zoning violations.

In response to Mr. Bass's comments, Mr. Joseph, on behalf of his client, requested deferral to the October 18, 2005, Planning Commission meeting to address the concerns raised.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0234 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0249:* In Midlothian Magisterial District, **ASC LAND CORPORATION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use to permit recreational facilities. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 dwelling per acre or less. This request lies on 30.0 acres fronting approximately 350 feet on the north line of Robious Road approximately 330 feet west of Kings Farm Drive. Tax ID 726-727-8858 (Sheet 1).

Mr. Brian Bowe, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Messrs. Mike Grotewiel and David Chase, residents of Lenox Forest Drive, voiced support for the request based on the revised proffers as submitted; Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, stated the Task Force supported the request in that the applicant had addressed area residents' concerns and the proposal would have no significant adverse impact on the infrastructure in the Midlothian District; and Mr. Charles Keck, a resident of Keswick Farms, requested a seventy-five (75) foot buffer between the subject and adjacent properties to maintain area residents' privacy and preclude their being disturbed by the development.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0249, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. Recreational uses shall be limited to a private boat landing. (P)
2. Any area devoted to the storage of boats, other than those areas located on individual lots, shall be minimized from view of public roads and shall be located so as to minimize their impact on adjacent residential lots. At the time of tentative subdivision plan review, if areas are proposed for boat storage, conditions may be imposed to address this requirement which could include, but not be limited to, buffers, screening and location. (P)

(Note: Boat storage on individual lots must conform to the requirements of the Zoning Ordinance.)
3. The private boat landing shall only be permitted in conjunction with subdivision development on the property. (P)
4. The location of the private boat landing shall be identified on the record plat. (P)

PROFFERED CONDITIONS

1. A maximum of twenty-two (22) lots shall be developed on the property. (P)
2. Public Water and Wastewater Systems shall be used. (U)
3. The private boat landing and river front common area shall exclusively serve the residents of the subject property and their guests, if accompanied by a resident. (P)
4. At a minimum, the following restrictive covenants will be recorded prior to or in conjunction with the recordation of the subdivision plat:
 - A. Dwellings:
 1. All residential dwellings will have a minimum gross floor area of 2,500 square feet.
 2. Exposed foundations shall be covered with brick or stone veneer.
 3. Plans and specifications for all dwellings must be approved in writing by the Architectural Review Committee.
 - B. Garages and Accessory Buildings:
 1. Attached garages must be side or rear loaded.
 2. Detached garages will be allowed, however the plans and specifications must be approved in writing by the Architectural Review Committee.

3. Garages and accessory buildings shall be architecturally compatible with respect to materials, colors, etc., with the residential dwelling on the lot.
- C. Driveways/Sidewalks:
1. Gravel driveways will not be allowed.
 2. Driveways and sidewalks must be "hardscaped."
 3. A driveway/sidewalk plan must be approved in writing by the Architectural Review Committee.
- D. Landscaping:
1. A landscaping plan must be submitted and approved in writing by the Architectural Review Committee.
- E. Architectural Review Committee:
1. An Architectural Review Committee will be established to review and approve all construction plans. The said Architectural Review Committee reserves a right to make exceptions to these or any subsequent provisions to these restrictive covenants. (P)
5. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 6. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the north side of Robious Road, measured from the centerline of that part of Robious Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 7. Direct access from the property to Robious Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
 8. In conjunction with development of the initial subdivision section, additional pavement shall be constructed along Robious Road at the approved access to provided a right turn lane and the ditch shall be relocated to provide an adequate shoulder on the north side of Robious Road for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way or easements required for these improvements. (T)
 9. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:

- a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
10. At the request of Parks and Recreation the developer will provide a pedestrian trail connection in the vicinity of the boat landing to Robious Landing Park. The pedestrian trails on the subject property will be owned and maintained by the community homeowner's association. (P & R)
 11. All lots shall have a minimum area of 22,000 square feet. (P)
 12. The fifty (50) foot buffer required in accordance with the Subdivision Ordinance along Robious Road shall be located within recorded open space. Brick or stone columns, a minimum of six (6) feet in height, shall be provided to each side of the project entrance within the limits of the fifty (50) foot buffer. The exact location and treatment of these columns shall be reviewed and approved by the Planning Department through the subdivision review process. (P)
 13. A sidewalk shall be provided along one (1) side of all public streets within the development. (P)
 14. A fifty (50) foot tree preservation strip shall be provided along the eastern property boundary adjacent to lots within the Lenox Forest at Riverdowns Subdivision. A minimum building setback of ten (10) feet shall be required for all principal and accessory structures from this tree preservation strip. Utility easements shall be permitted to cross the strip in a perpendicular fashion. Any healthy trees that are one (1) inch in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. A landscape plan shall be submitted for this tree preservation strip which identifies all trees that are one (1) inch in caliper or greater for preservation. Any open areas of 100 square feet or greater shall be supplemented with plant materials so as to minimize year-round views of improvements on the subject property from the aforementioned lots within the Lenox Forest at Riverdowns Subdivision, as determined by the Planning Department. The minimum size standards for supplemental plant material shall comply with Section 19-518(b) of the Ordinance. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0315, Watercross Development, Inc.

05SN0315: In Clover Hill Magisterial District, **WATERCROSS DEVELOPMENT, INC.** requested amendment to Conditional Use Planned Development (Case 86S117) and amendment of zoning district map to permit a veterinarian hospital. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Neighborhood Business (C-2) District on 7.8 acres fronting approximately 280 feet on the west line of Charter Colony Parkway at Old Hundred Road. Tax ID 727-691-6781 (Sheet 9).

Mr. Gary Gallagher, the applicant's representative, accepted staff's recommendation and apologized for being tardy to the meeting.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0315, subject to the following condition:

CONDITION

In addition to those uses permitted by Case 86S117 within the Medium Density Office/Commercial Retail (MDO/CR) Tract, veterinary hospitals exclusive of outside runs shall be permitted.

(NOTE: This condition is in addition to the Textual Statement, Item VI.E.4, of Case 86S117 relative to permitted uses in the MDO/CR Tract for the subject property.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0323: In Bermuda Magisterial District, **CMA PROPERTIES, INC. AND CARTER MYERS, III** requested Conditional Use Planned Development and amendment of zoning district map to allow a second freestanding sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a General Business (C-5) District on 4.9 acres fronting approximately 760 feet on the east line of Interstate 95 approximately 500 feet south of Ruffin Mill Road. Tax ID 804-637-Part of 4161 (Sheet 35).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the current sign standards of the Ordinance provided adequate identification for uses on the property; that approval of the request could encourage other businesses to seek similar exceptions thereby resulting in sign proliferation; and that, although the applicant submitted a proffered condition limiting the use and size of the proposed second freestanding sign on September 16, 2005, as outlined in the Addendum, staff continued to recommend denial of this request for reasons stated.

Mr. Carter Myers, III, the applicant's representative, did not accept staff's recommendation, noting the applicant had submitted a proffered condition limiting the use and size of the proposed second freestanding sign.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0323 and acceptance of the following proffered condition:

PROFFERED CONDITION

A second freestanding sign identifying a motor vehicle sales business shall be permitted along I-95. Such sign shall not exceed 100 square feet in area and thirty (30) feet in height. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0328: In Matoaca Magisterial District, **BERNARD SAVAGE** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-9) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 5.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 600 feet on the east line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 719-685-2188 and 3788; 719-686-1637, 2337, 2706, 3038, 3423 and 4238; 719-687-Part of 2245; and 720-686-Part of 3234 (Sheet 9).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Upper Swift Creek Plan and the proposed development's density exceeded the suggested single family residential use of 2.0 units per acre or less, as recommended by the area Plan and the size of the focal point as one entered the development failed to meet the typical standard established for small lot developments. He referenced an Addendum, noting the applicant had submitted revisions to the proffered conditions and Textual Statement, which included withdrawal of Proffered Conditions 1 and 2; that with withdrawal of the two (2) proffers, the remaining proffers had been renumbered with Proffered Condition 9 (previously 11) amended to specify the location of the proposed sidewalk; and stated, in addition, a requested exception to the required buffer adjacent to the eastern property boundary was omitted from previous submissions but the applicant had amended the Textual Statement and was requesting deletion of the required buffer.

Mr. Mickey Blalock, the applicant's representative, did not accept staff's recommendation, noting the proposed development would have large buffers, a homeowners association, amenities including open space, circular drive, all units facing internally, front and rear landscaping, walking trail and lake). He stated the project was appropriate for the site and suited to the area.

Mr. Litton opened the discussion for public comment.

Mr. Christopher Dunn, a resident of Edgewater at the Reservoir; and Ms. Ley Diller, a resident of Woodlake, voiced opposition to the request, expressing concerns relative to buffers, landscaping, architectural incompatibility, the proposed distance of the dwellings from Genito Road and the location of the proposed development being inappropriateness for the subject property.

Dr. Tom Pakurar, a Clover Hill District resident, voiced opposition to the request; displayed aerial photographs depicting the state of the Swift Creek Reservoir after a significant rainstorm; expressed concerns relative to the provisions of regional BMPs to protect the County's water resource and mitigate the adverse impact of area development drainage on the Reservoir.

Ms. Andrea Epps, a County resident, expressed concerns relative to the proposed density of the development, noting she felt it was inappropriate.

Ms. Jayne Reinmuth, a resident of Edgewater at the Reservoir, supported the request as she felt an "age-restricted" community was appropriate for the area and would be beneficial to residents.

Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, stated the current proposal did not comply with the existing Upper Swift Creek Plan and may not conform to the amended Plan, when finalized. She suggested the Commission consider deferral of the request to allow further discussion of the concerns raised regarding buffers, open space, types of housing, density, water quality and drainage and to await the amended version of the area Plan.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Blalock addressed concerns raised and reiterated his earlier comments that the proposed development was appropriate for the site and suited to the area.

There was discussion relative to the impact of runoff from the proposed development and its impact on Swift Creek Reservoir; the provision of regional BMPs and design criteria; the pro-rata fee for construction of Regional BMPs and the fee per residential lot for maintenance; silt basin designs to remove .22 pounds per acre per year of phosphorus from stormwater runoff or construction of additional BMP facilities until either initial permits for regional facilities are obtained or until the downstream regional BMP facility was constructed; density; buffers, architectural styles; compatibility with surrounding area developments; and other concerns.

Mr. Bass stated every due diligence had been taken to resolve issues and/or concerns and he felt the proposed use was appropriate for the property; however, he had reservations relative to the runoff and any adverse impacts it may generate and felt the request should be deferred to allow the opportunity for further discussions.

Mr. Wilson expressed concerns relative to the density and its potential impact to the Upper Swift Creek Reservoir and surrounding area.

Mr. Litton concurred with Mr. Wilson but also expressed concerns relative to the size of the buffer between this development and future residential development.

Mr. Gecker concurred, noting he felt the architectural style needed to be addressed further.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0328 to the October 18, 2005, Planning Commission public hearing.

05SN0312:* In Midlothian Magisterial District, **SUNRISE DEVELOPMENT, INC.** requested Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit an assisted living facility and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 5.0 acres known as 2145 Cranbeck Road. Tax ID 742-714-6040 (Sheet 2).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Northern Area Plan and were not representative of, or compatible with, existing and anticipated area development. He referenced an Addendum noting that on September 14 and 16, 2005, the applicant submitted revisions to the proffers and Textual Statement, which he outlined.

Mr. John Easter, the applicant's representative, did not accept staff's recommendation but outlined site and case specific details of mixed and compatible uses in the area. He distributed copies of an email from residents in Cranbeck and Ballard Oaks communities supporting the request and indicated the proposed use was transitional and would benefit the area more positively than intense commercial or office development.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker stated that he had no doubt that the applicant was a quality developer and he appreciated the efforts to address/resolve issues of concern; however, he was not inclined to support the request given the fact that the Northern Area Plan would most likely be revised within the next year and he did not believe the proposed use was compatible with, or representative of, existing or future area development.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 05SN0312.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

The Commission recessed at approximately 10:00 p. m.

The Commission reconvened at approximately 10:13 p. m.

04SN0303:* (Amended) In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC** requested Conditional Use and amendment of zoning district map to permit a public waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Ms. Rogers presented an overview of the request and staff's recommendation for denial, noting the request failed to adequately mitigate the impact of the proposed facility on the public health, safety and general welfare and on area properties; proffered conditions did not guarantee, nor could they guarantee, that the

County would not incur some future liability or ultimate responsibility for the facility; and further, the request failed to address concerns regarding the long-term impacts of the facility on Second Branch Creek and Lake Margaret. She referenced an Addendum which she noted explained the inadvertent inclusion of a Note B in the "Request Analysis" on page 2. She stated the note suggested the applicant had submitted revised proffered conditions and that such submittal was not in accordance with the Commission's "Suggested Practices and Procedures;" however, she stated the applicant had offered no additional or revised proffered conditions since the request was last considered by the Commission and that Note B on page 2 of the "Request Analysis" should be disregarded.

Mr. John Cogbill, III, the applicant's representative, did not accept staff's recommendation and stated he felt the request should be approved. He presented an overview of the request and background information, noting the proposal provided an alternative to the use of septic systems and suggested progressive thinking to consider an innovative concept. He stated the proposal adhered to stringent controls, guidelines and regulations and would not be a detriment to the community or the County and that the company was a publicly-held, traded company financially backed by its investments.

Mr. Brian Houston, of Timmons, representing the applicants, addressed the technical aspects of the proposed project.

Mr. Greg O'Dell, representing Aqua America, Inc. and the applicants, presented a history of the company, noting the managerial, technical, financial and operational support to effectively and efficiently provide the services proposed.

Mr. Litton opened the discussion for public comment.

Ms. Andrea Epps, a County resident; Mr. Jerry DeSanto, a resident of The Highlands; Mr. Charlie Scott, a resident of The Highlands; and Mr. Thomas Bobbitt, a resident of Cattail Road voiced opposition to the request, expressing concerns that approval would set a precedent; accommodate development not in compliance with the Plan; place taxpayers at risk should there be a failure; lead to development on smaller lots; and create odor problems. Mr. Bobbitt submitted a petition containing approximately seventy-seven (77) signatures in opposition to the request.

Mr. Jerry Ferrua, a resident of the Highlands; Mr. Richard Carl, a resident of Cattail Road; Mr. Lin Hillman, President of The Highlands Community Association; Ms. Susan Gray, President of The Highlands' "Nifty-Fifties" group; and Mr. Charles Landen, owner of Lanco Homes, voiced support for the request stating the facility would accommodate housing variety in the area and a new school; the variety of housing would generate less school students and traffic than larger lot development; and there would be less impact on the environment than conventional septic systems. Ms. Gray submitted a petition containing approximately 270 signatures supporting the request.

There being no one else to speak, Mr. Litton closed the public comment.

Staff addressed and answered questions from the Commission relative to utilities, environmental, health, transportation, financial; Countywide standards to address criteria under which such facilities should be allowed; and other issues of concern.

Mr. Bass made a motion to recommend approval noting that the system would be superior to individual septic systems; the total number of lots permitted was not increasing; and that the State Corporation Commission had stringent requirements.

Mr. Gulley seconded the motion for discussion.

Mr. Wilson indicated he was comfortable with the technology and safeguards; however, he was hesitant to proceed without having Countywide standards to address criteria under which such facilities should be allowed. He indicated he may be in a position to support with the caveat that the Board establish standards for future cases.

Mr. Gecker indicated that he, too, desired to have Countywide standards prior to acting upon this proposal. He indicated that utilities was a method to control growth; expressed concerns that approval of the current proposal may result in premature development; and that the question was a growth management issue.

Mr. Gulley concurred that it was a growth management issue; indicated that the application did not provide the guarantees of the type of system to be used; and stated he was reluctant to support the request as currently presented.

A vote on Mr. Bass' motion was as follows:

AYES:	Messrs. Wilson and Bass
NAYS:	Messrs. Litton, Gecker and Gulley.

Therefore, the motion failed.

Mr. Gecker made a motion to deny the request. His motion was seconded by Mr. Gulley.

A vote on the motion was as follows:

AYES:	Messrs. Gecker and Gulley
NAYS:	Messrs. Bass and Wilson
ABSTENTION:	Mr. Litton

The vote being tied, the case was carried over to the Commission's October 18, 2005, meeting and it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission directed staff to advertise a public hearing so any new information could be discussed.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the meeting adjourned at approximately 12:38 a. m. on Wednesday, September 21, 2005, to October 18, 2005, at 12:00 Noon, in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date